

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications)
and Energy on its own Motion into the Appropriate)
Pricing, based upon Total Element Long-Run Incremental)
Costs, for Unbundled Network Elements and Combinations) D.T.E. 01-20
of Unbundled Network Elements, and the Appropriate)
Avoided Cost Discount for Verizon for Verizon New)
England, Inc. d/b/a Verizon Massachusetts' Resale Services)
in the Commonwealth of Massachusetts)

**MOTION OF SPRINT COMMUNICATIONS COMPANY L.P.
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

Pursuant to G.L. c. 25, § 5D, Sprint Communications Company L.P. ("Sprint") requests that the Department of Telecommunications and Energy ("Department") grant this Motion for Protective Treatment in order to protect from public disclosure certain confidential and competitively sensitive information that was filed in the above-captioned proceeding. Specifically, Sprint requests that the following documents be kept confidential: Attachments to Sprint's responses to Verizon Information Request Set 1, Nos. 1-8, 1-30, 1-32, 1-33 and 1-51.

I. LEGAL STANDARD

Confidential information may be protected from public disclosure in accordance with G.L. c. 25, § 5D, which states in part that:

The [D]epartment may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where the need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

The Department has recognized that competitively sensitive information should be afforded protective status. *See, e.g., Hearing Officer's Ruling On the Motion of CMRS Providers for Protective Treatment and Requests for Non-Disclosure Agreement*, D.P.U. 95-59B, at 7-8 (1997).

II. ARGUMENT

The attachments to Sprint's responses to 1-8, 1-30, 1-32 and 1-51 contain information regarding Sprint's Florida and Nevada incumbent local exchange company ("ILEC") cost studies. Information pertaining to Sprint's cost studies is competitively sensitive, in that competitors may use this information to develop their own marketing strategies. For example, competitors could use this information to target sales in certain markets where Sprint's costs may be higher than those of a competitor. In addition, a competitor may determine how Sprint develops its costs and use that information to develop a competing costing approach. In so doing, a competitor would place Sprint at a competitive disadvantage.

Information contained in the attachment to Sprint's response to 1-33 relates to Sprint's ILEC methods and procedures ("M&Ps"). This information is competitively sensitive and should be protected from public disclosure, because it details internal business practices developed and utilized by Sprint in a competitive market. These M&Ps describe Sprint's provisioning of power and grounding for collocation at a level of detail that is not known outside of Sprint. Also, the development of these M&P's involved a great deal of effort that cannot be duplicated by a competitor with any relative ease. A competitor could use this information in developing its own internal procedures or for any other purposes, placing Sprint at a competitive disadvantage.

All of this information should be protected from public disclosure, because it contains proprietary information of other Sprint companies not operating in the Commonwealth of Massachusetts and is being treated as proprietary by the regulatory agencies in those states.

Furthermore, this information is not publicly distributed or known outside of the company. Also, Sprint regularly and consistently seeks to prevent the dissemination of this type of information. In regulatory proceedings throughout the country, Sprint treats its cost and M&P information as proprietary and provides the information pursuant to executed proprietary agreements. This allows Sprint to protect its interests in a competitive environment.

III. CONCLUSION

For these reasons, Sprint requests that the Department grant protection from public disclosure of the information discussed herein.

Respectfully submitted,

Cathy Thurston
Attorney for Sprint Communications Company L.P.

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